

Proposed Revisions

to the

October 26, 2010 Gila County Floodplain Management Ordinance

July, 2015

Purposes for Ordinance Revision: This change was initiated by the need to correct some erroneous references in the ordinance. As it was being reviewed, it was observed that some areas could be worded better, so that the meaning and procedures are easier to understand. Furthermore, many residents are desiring to build large parking buildings, which now require a variance from the Board if the building is wet-floodproofed and not elevated, and larger than 600 square feet. After much discussion with the State, it was agreed that we can eliminate the variance requirement for wet-floodproofing any size large parking buildings on residential lots, as long as the building meets certain criteria. This should make it easier for the residents to construct large buildings for parking multiple cars, trucks, RVs, boats, ATVs, etc. Finally, the lowest floor elevation requirement for manufactured homes is being modified to make it a more similar level of protection to that required of site-built homes. Obsolete agency names (such as “Federal Insurance Administration”) have been updated throughout the ordinance.

Detailed description of changes and justifications:

Section 1.0 – Statutory Authorization, Findings of Fact, Purpose, and Objectives

Changed to be more specific relating to the agency authorized by statute to administer floodplain management regulations. Changed terminology to clarify floodplains which are regulated by the ordinance (“regulatory floodplains”), and those floodplains shown on the Flood Insurance Rate Map (“special flood hazard areas”). This terminology is changed throughout the ordinance. Some typographic errors are also corrected. It is clarified that the ordinance is designed to help county residents to be eligible to participate in flood insurance and to receive disaster relief when available.

Section 2.0 - Definitions

"Accessory Structure" definition is deleted.

“Administrative Special Flood Hazard Area” is renamed “Administrative Flood Hazard Area” (also known as “administrative floodplain”) to differentiate it from “Special Flood Hazard Areas” which are those floodplains shown on the Flood Insurance Rate Maps. This terminology is used throughout the ordinance.

“Area of Special Flood Hazard” definition is being deleted. It is the same as “Special Flood Hazard Area.”

“Building” definition now just refers the definition of “structure.”

“Detached parking/storage building” definition has been added.

“Development” definition was modified to not be dependent on a location.

“Flood Boundary Floodway Map” definition is eliminated, since those maps are no longer produced by FEMA. The information previously on those maps is now on the Flood Insurance Rate Map.

“Flood Insurance Rate Map” definitions now refers to the Federal Emergency Management Agency, rather than the Federal Insurance Administration, to agree with the current federal organization, and the reference to the Flood Boundary Floodway Map was eliminated.

“Improvements” definition now just refers to the “development” definition.

“Ineffective Flow area” definition has been added.

“Person” definition has been expanded to include the state, its agencies and political subdivisions.

“Regulatory flood Elevation” definition has been simplified.

“Regulatory Floodplain” definition was modified to include the terminology discussed in Section 1.0 for special flood hazard areas and administrative flood hazard areas. The area of jurisdiction is the same as the previous ordinance.

“Start of Construction” definition was modified to include all development.

“Structure” definition was modified to agree with FEMA definition.

Section 3.2 - Basis for Establishing the Areas of Special Flood Hazard

Wording is added to clarify the wording describing the situations which the Ordinance regulates, clarify that engineering work is to be sealed by the engineer, in accordance with state law. New terminology for “regulatory floodplain” is also incorporated in this section.

Section 3.3 - Compliance

The scope of regulation is clarified to agree with the FEMA regulations in 44 CFR 60.

Section 3.6 – Warning and Disclaimer of Liability

This section is modified to clarify agencies, and delete the obsolete reference to the Federal Insurance Administration. This reference to the Federal Insurance Administration is also changed in other sections throughout the ordinance.

Section 3.7

Revised a citation from ARS to clarify a reference. Changed “Exemptions” to “Exceptions” to agree with state statute. Corrected dates as needed to reflect dates when Gila County entered the National Flood Insurance Program (different from the first ordinance or flood maps), as suggested by the Arizona Department of Water Resources. Multiple corrections to agree with state statute.

Section 3.8 – Declaration of Public Nuisance

Modified this section to simplify wording (intent is the same) and to incorporate new “regulatory floodplain” terminology.

Section 3.11 – Unlawful Acts

Refers to state statute for review responsibility.

Section 4.1 - Floodplain Use Permit

Information about the information that needs to be submitted by an applicant for a floodplain use permit is clarified and expanded. Including this information in the ordinance allows applicants to prepare all needed information in advance of the application for a permit, allowing staff to process permit applications more rapidly. This also helps to meet new state requirements for permit processing.

Section 4.3

- C. Revised to allow flexibility on whether data submitted for an individual permit is submitted to the Board for adoption in regulating other development in the area. The best available information at a specific time that is used for an individual permit, may or may not be judged to be adequate to apply as a regulatory standard on a regional basis.
- D. Revised wording to correct references and clarify the requirements.
- E. Revised to agree with FEMA requirements for base flood elevation changes.

Section 4.4 - Floodplain Clearance

This section is added to explain the current process to quickly process and approve permit applications where there is floodplain on the building parcel, but all construction is proposed outside of the floodplain area.

Section 5.1 - Design Standards

Revised to allow the Floodplain Administrator to allow standards other than the ADWR State Standards for floodplain management, as long as they provide an equal or greater degree of flood protection, or are based on better scientific information.

Section 5.2 - Standards of Construction

Parts of this section have been revised to provide clarification of Federal requirements for construction in floodplains, where it may not have been very well defined in the ordinance in the past. Specific examples are anchoring of fuel (mainly propane) tanks, location of all electrical and mechanical system components above the regulatory flood elevation (electric meters, air conditioning compressors, etc), protection of electrical lines entering buildings, flood-resistant materials usage below the regulatory flood elevation, etc.

5.2.C.5. This section is modified to remove the size limit on wet-floodproofing “detached parking and storage buildings” to allow parking buildings larger than 600 square feet to be wet-floodproofed in lieu of elevating the floor, without a variance from the Board, if certain criteria are met for the building.

Paragraphs a through e are standard FEMA criteria for wet-floodproofing.

Paragraph f prohibits this size building within a floodway. Floodways need to be kept free from obstructions as much as possible to allow the passage of flood water without large obstructions, so large parking buildings are not allowed there.

Paragraph g contains standard Federal requirements for certifying that the construction was done appropriately.

Paragraph h requires that the wet-floodproofed area never be converted to other uses, including habitable areas, without retrofitting to bring them into compliance with all floodplain regulations in effect at the time, and obtaining the required permits. A non-conversion agreement is to be required as a condition of the floodplain use permit. This is important, since uses such as habitable areas need to be elevated above the flood elevation in order to protect life during flooding.

5.2.C.8. This section clarifies requirements for multi-use buildings detached from the primary residential building on the parcel. Any part of the building not used solely for parking and storage must be elevated to or above the regulatory flood elevation. Only the parking and storage area can be wet-floodproofed.

Section 5.6.A - Manufactured Home Elevation

5.6.A.1

The elevation requirement for manufactured homes is changed to provide a more similar level of flood protection between manufactured homes and site-built homes. Except for the conditions described in Section 5.6.A.2, the lowest [top of] floor elevation for a manufactured home is to be one foot or more above the regulatory flood elevation. In many instances, this may be lower than the previous requirement that the bottom of the structural frame be at or above the regulatory flood elevation. This still provides the flood protection mandated by Congress in the federal regulations, while allowing a slightly more economical installation in some cases. It also simplifies the Elevation Certificate, since there is not a line on the FEMA Elevation Certificate form for bottom of frame elevation (except for coastal areas).

This adjustment to the floor elevation requirements still exceeds state and federal floor elevation requirements for manufactured homes.

5.6.A.2

Revised to reflect the wording of ARS 48-3609.B.5

Section 5.6.B - Manufactured Home Anchoring

Revised to allow more flexibility in the type of manufactured home anchoring to use, while still being compliant with Federal requirements.

Section 5.6.C Section deleted.

Section 5.7 - Standards for Recreational Vehicles

Revised to correct an erroneous reference and to reference the floodway requirement in Section 5.8.

Section 5.8 - Floodways

Minor wording changes for clarity.

Eliminated specific requirements for small enclosures, and added a general requirement. Proposed methods to meet floodway criteria are to be evaluated individually. This is being changed at the request of FEMA staff.

Paragraph F is being eliminated, since showing compliance still requires engineering analysis, which is covered in Paragraph A.

Section 5.9 - Flood-Related Erosion-Prone Areas

Revised Paragraph C so that erosion setbacks are not regulated outside of special flood hazard areas, to be consistent with the ordinance's jurisdiction as stated in Section 3.1.

Eliminated the section on Zone E, since there are no Zone E areas on the Gila County flood maps.

Section 6.3 - Variances

Eliminated the paragraph on special variances to wet-floodproof parking buildings over 600 square feet, since a variance is no longer required to wet-floodproof buildings of any size that meet the conditions in section 5.2.C.5.

Section 7.1 - Flood Limits on Subdivision Plats

Revised to change the effective date of Section 7.1 to October 26, 2010, which was the date Section 7.1 originally became effective.

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Page numbers are revised to accommodate additions and deletions.